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SUBJECT: PRM RECOMMENDATIONS ON UNHCR SOUTHERN SUDAN
OPERATIONS

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Sensitive but Unclassified; please protect accordingly.

11. (U) We are now in the fifth year of the organized repatriation of southern Sudanese refugees with probably 12 to 18 months remaining for a concerted push to get all of the remaining refugees home in safety and dignity in time to participate in the 2011 referendum but before uncertainties about the future of Sudan lead many refugees to take a wait and see approach. This cable summarizes PRM recommendations made to UNHCR in February 2009 focusing on four key areas of concern: balance between repatriation operations and reintegration assistance; returns monitoring and protection monitoring; refugees in southern Sudan; and contingency planning. These recommendations follow conversations with UNHCR in Geneva and Juba, review of relevant UNHCR documents, and PRM's most recent monitoring trip to southern Sudan in November/December 2008. We remain in close contact with UNHCR following the recent GOS expulsions of NGOs from Sudan in the wake of the ICC announcement of an arrest warrant for President Bashir. While UNHCR reports operations in Darfur, Khartoum, Blue Nile State and Eastern Sudan will be significantly affected by these expulsions, which include UNHCR implementing partners, the impact on UNHCR's southern Sudan operations, outside of the Three Areas, remains to be seen. So far it has been minimal, but significant challenges remain in achieving sustainable returns that contribute to stabilizing southern Sudan -- for example marshalling adequate funding and smooth CPA implementation, the latter of which is largely outside of UNHCR's control.

CONTEXT

12. (U) The number of refugee returnees to southern Sudan has been on the increase since repatriation operations began following the signing of the Comprehensive Peace Agreement in January 2005. In 2008, UNHCR assisted 62,185 individuals to return from Uganda, Kenya, Ethiopia and the DRC, the highest yearly total thus far. As of April 4, 2009 the repatriation of UNHCR-assisted southern Sudanese refugees has reached a total of 314,496. UNHCR estimates that some 120,000 refugees still remain outside of Sudan (primarily in Uganda, Kenya, Ethiopia, and Egypt), and has plans to repatriate 54,000 in 12009. Subsequently, UNHCR plans to draw large-scale repatriation operations to a close, as the remaining refugees are expected to either spontaneously repatriate or be offered alternative arrangements for repatriation or other durable solutions. However, these optimistic plans may be derailed by shortfalls in funding and/or unforeseen developments that

would limit repatriation operations in 2009.

¶4. (U) From November 15 -- December 4, PRM officers Brennan Gilmore, Fruzsina Csaszar, and Inga Heemink conducted a monitoring and evaluation trip to review PRM-funded NGO programs supporting Sudanese refugees and returnees and the broader operations of UNHCR, IOM, and ICRC in southern Sudan.

The team accompanied a repatriation convoy of 212 refugees from Kakuma Refugee Camp in northern Kenya to Kapoeta, Eastern Equatoria State, Sudan and spent three weeks in Eastern Equatoria, Central Equatoria, Jonglei, and Upper Nile States in Sudan. (NOTE: These states comprise the highest area of refugee return, and thus are the focus for UNHCR operations and PRM funding. END NOTE). In all areas visited, the PRM team met with UNHCR staff, implementing partners, and local officials, as well as the returnees themselves. In addition to discussions with UNHCR leadership in Juba and in field offices throughout Eastern Equatoria, Jonglei, and Upper Nile, the team was able to visit reintegration project sites, monitor a repatriation convoy, and observe waystation activities. The team was able to thoroughly discuss key successes and failures, as well as problems on the horizon.

¶5. (U) Repatriation operations in southern Sudan are characterized by several constraints and challenges: the lack of roads and transportation infrastructure throughout southern Sudan, the seasonal weather pattern of a 4-6 month rainy season during which repatriation operations must cease, the high costs of maintaining repatriation infrastructure and staffing during rainy season, and the logistical challenges of scheduling repatriation convoys while ensuring that all returns are voluntary and that returnees maintain their safety and dignity. The success of UNHCR's southern Sudan operation thus far has been measured largely by numbers of returnees. In terms of numbers returned, the southern Sudan operation has been a resounding success. Despite all of the challenges of conducting a repatriation operation in southern Sudan, the UNHCR teams in the region have worked tirelessly to conduct an operation that has assisted over 300,000 refugees to return home. UNHCR teams in Sudan, Kenya, Ethiopia, Uganda, the DRC, and the CAR have ensured that Sudanese refugees returned voluntarily, and in safety and dignity.

KEY FINDINGS ON UNHCR

¶6. (U) PRM recommendations to UNHCR focused on four key issues: the balance between repatriation operations and reintegration assistance; returns monitoring and protection monitoring; refugees in southern Sudan; and contingency planning.

BALANCE BETWEEN REPATRIATION OPERATIONS AND REINTEGRATION ASSISTANCE

¶7. (U) As the assisted repatriation operation to southern Sudan winds down and eventually ends, there is a need to shift focus on not just the number of returns, but also on the quality of returns, in terms of the protection challenges facing those who have returned. UNHCR offices throughout southern Sudan have identified the lack of basic services (and thus, returnees' access to such services) as an important protection challenge facing returnees, and as the key reason for secondary displacement. In light of UNHCR's commitment to provide refugees with durable solutions, the long-term success of repatriation largely depends on returnees, ability to reintegrate into their communities. This is a particular challenge in southern Sudan, given the profound lack of development and still nascent government.

¶8. (SBU) During all of the meetings with UNHCR staff throughout southern Sudan, PRM heard about the challenge of balancing staff time and resources between resource-intensive repatriation operations and returnees, boundless need for reintegration assistance. UNHCR support for reintegration

activities has been severely constrained by the pressure to maintain a high level of repatriation operations, which leaves reintegration activities under-resourced. One staff member remarked that during repatriation season, almost all staff are "sucked into the black hole that is repat." Staff members noted that almost all unearmarked funding in the southern Sudan budget is directed towards repatriation operations; and several staff members suggested that PRM take this into account in its earmark of funding for return and reintegration activities in order to ensure that such activities would be planned and implemented. PRM recognizes the importance of providing dependable, unearmarked support to UNHCR,s southern Sudan budget appeal. We believe that unearmarked funding will allow the most flexibility for an operation already facing many constraints, but will also press for a program that does not under-capitalize the reintegration part of the operation.

¶9. (U) UNHCR planned to cease major assisted repatriation operations by the end of CY2009 and to focus more on reintegration assistance. PRM supports this shift in emphasis, recognizing that the timeline may shift into 2010 due to funding, security, and logistical constraints that may keep UNHCR from achieving its 2009 repatriation target. PRM has emphasized with both UNHCR/Geneva and Juba the need to devise a strategy for 2010 that will highlight returnees, most important needs and focus on sectors and geographic areas where UNHCR has the most value-added and a comparative advantage over other national and international actors working on relief and development. PRM has offered assistance in developing such a plan, including providing information on USG activities or liaising with other donors and OCHA, to help inform UNHCR southern Sudan,s reintegration strategy.

RETURNS MONITORING AND PROTECTION MONITORING

¶10. (U) Returns monitoring is a difficult enterprise in southern Sudan, given the vast geographic area to which refugees are returning, the different modes of return, (most returns are spontaneous), the fact that communities are often receiving both returning refugees and IDPs, and the logistical challenges caused by a lack of transportation infrastructure and weather patterns. PRM recommended that UNHCR staff collaborate more with other actors to leverage information and to gain the most comprehensive understanding of returnees, protections needs. In particular, PRM recommended that UNHCR work closely with IOM and its network of Southern Sudan Relief and Rehabilitation Commission enumerators to bolster its coverage of returnee areas. While the methodologies and aims of UNHCR and IOM vary, a shared database on local community and returnee needs could promote information sharing. UNHCR,s work on creating a Refugee Returns Management Database is a step in the right direction. We have encouraged further collaboration with the databases of IOM and other organizations collecting information on the needs of returning refugees and IDPs.

¶11. (SBU) A key constraint on UNHCR southern Sudan,s returns monitoring protection functions is the dearth of protection staff. PRM,s monitoring team noted this challenge in 2007 and subsequently funded a Protection JPO position for the UNHCR Juba office to bolster protection staffing. PRM has learned that this JPO has made a valuable contribution to UNHCR,s work; however, he has been pulled into repatriation operations and has not been focused on protection issues, as originally intended by the PRM support for the position. We understand the need to have "all hands on deck" during the intensive repatriation season; however, we are very concerned that pulling the majority of staff into working on repatriation operations prevents UNHCR from fulfilling its other objectives in terms of protection monitoring and response to protection concerns. As organized returns wind down and as repatriation operations give way to more of a focus on protection monitoring and reintegration assistance, PRM has urged UNHCR to ensure that there is a commensurate shift of staffing towards these

objectives by emphasizing protection staffing in its strategic plan on focused reintegration activities.

REFUGEES IN SOUTHERN SUDAN

¶12. (U) Over 8,000 Ethiopian Anuak refugees have resided in multiple locations in Central Equatoria, Jonglei, and Upper Nile States since 2003. This relatively long-term refugee population has received only sporadic assistance given the remoteness of the area, the insecurity of travel during the civil war, and the general inclination to not create more refugee camps. UNHCR has planned a new assessment of Anuak refugees around Pochalla with the goals of developing a plan of regular assistance and seeking durable solutions. PRM encouraged UNHCR to ensure, as part of its core mandate, that Anuak and other refugees in Sudan are not overlooked in light of other pressing concerns.

¶13. (U) As of April 14, 2009 over 17,000 Congolese refugees have fled to southern Sudan from LRA attacks in northeastern DRC. As UNHCR continues to respond to the increasing influx of Congolese refugees into Western and Central Equatoria, PRM encouraged timely outreach to donors to ensure that UNHCR and NGO response capacity is bolstered with appropriate funding appeals.

¶14. (U) PRM also encouraged UNHCR to continue to pursue with the GOSS and the GNU the establishment of a system of status determination for refugees in southern Sudan. UNHCR has identified competing claims by the Government of National Unity and Government of South Sudan to refugee status determination authority as the primary obstacle. (Comment. This competition between the two governmental authorities has also been evident in the return of southern Sudanese refugees, with the longtime GOS Commission for Refugees asserting its continued control over all refugee and returnee issues. We may not see a cooperative resolution to this issue until the 2011 vote. End comment.)

CONTINGENCY PLANNING

¶15. (SBU) With implementation of the Comprehensive Peace Agreement entering the critical last phases, PRM has encouraged UNHCR to develop a detailed regional contingency plan that could be implemented in the event of renewed North-South conflict and resulting mass population movements.

Our own U.S. Government contingency plans for a new refugee emergency would be very focused on UNHCR's plans and capacities. In consultations with UNHCR staff in Kakuma Camp in Kenya, the PRM team understood that long-term planning for the camp included rehabilitation of vacant areas and maintaining these areas for a potential new influx. Of course the current discussions on how to handle the overcrowding in the Dadaab Camps is relevant also to plans for the Kakuma Camp (see Ref A). We have asked UNHCR to share similar plans for Ethiopia, Uganda, DRC, and CAR as well as contingency infrastructure plans/capabilities in the region (trucks, way stations, etc.). UNHCR clearly has its hands very full already with current return and emergency response operations in southern Sudan. Contingency planning would not be intended to signal any lack of confidence in the desirability of continued voluntary returns; it would be prudent in light of the volatility of the Sudan situation of ethnic and political conflict in the South as well as the upheaval in humanitarian operations caused by the NGO expulsions.

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